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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91222801
Party	Defendant Peter Pandolfi
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Submission	Answer
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Date	08/24/2015
Attachments	Answer to Notice of Opposition No 91222801.tiff(2190532 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

LUMBER LIQUIDATORS)	
SERVICES, LLC (Opposer))	Application Serial No. 86382985
v.)	Mark: BELLA BASEMENTS
PETER PANDOLFI)	Opposition No. 91222801
DBA BELLA BASEMENTS (Applicant/Defendant))	

ANSWER TO NOTICE OF OPPOSITION

A. Answers to General Allegations

1. Applicant admits ¶ 1, according to belief and information.
2. Applicant admits ¶ 2.
3. Applicant admits ¶ 3.
4. As to the allegations in ¶4, Applicant admits the opposer is the owner of the "Bella Marks", but denies the assertion that, "which products are often purchased along with product installation services provided by related companies, affiliates, or contractors", should be included or deemed as having any ownership as intellectual property protected by the registration of their Bella Marks. The Bella Marks are a product line of Lumber Liquidators and all subcontracted installation services are marketed by Lumber Liquidators, not Bella Hardwoods. The Bella Marks have no services included in their Goods/Services description and current marketing of Bellawoods is clear to consumers that Bellawoods is a retail flooring product and all services are provided by Lumber Liquidators and not to be confused with Bella Basements, a full-service, general contracting, basement-finish services company, whose mark is a servicemark.
5. As to the allegation in ¶5, Applicant admits the opposer markets their Bellawood product line widely and is well-known in the industry for flooring products, but denies that the same

is true for product installation or quality of product(s). Additionally, applicant denies that the opposer's marks represent and symbolize extremely valuable goodwill, as recent publicity of Lumber Liquidators, the owner of the Bella Marks has been extremely harmful to the industry.

6. Applicant admits ¶ 6.
7. Applicant admits ¶7.
8. Applicant admits that the current use of applicant's mark is localized to the Denver CO area, but denies that this is the future plan of the applicant.
9. Applicant admits ¶ 9.
10. Applicant admits with regards to ¶10, that opposer's marks have been used prior to applicant's service mark, but denies that the marketing of Bellawoods includes services.
11. Applicant denies with regards to ¶11, that opposer's rights are superior to applicant's rights. Allegation fails trademark test, whereby consumers of the goods and services are not confused as to the identity of the origin of a product line belonging to Lumber Liquidators versus the source for General Contracting services specializing in Basement Finishing. The marks are not identical in fact or use, nor are they colorfully similar.

B. Answers to Count I Allegations

12. Applicant's denials and admissions are stated as above to previous paragraphs.
13. Applicant admits with regards to ¶13, that it has not yet used applicant's mark in interstate commerce, but has intent to expand once mark is federally registered and business conditions exist to do so.
14. Applicant denies ¶14.

C. Answers to Count II Allegations

15. Applicant's denials and admissions are stated as above to previous paragraphs.

16. Applicant denies with regards to ¶16, that there is any violation, as there is no likelihood of confusion with respect to its mark and services, namely full-service, Basement Finishing General Contracting services versus opposer's retail product line of hardwood flooring only.
17. Applicant denies with regards to ¶17, that its mark will be injurious to opposer.

D. Answers to Count III Allegations

18. Applicant's denials and admissions are stated as above to previous paragraphs.
19. As to ¶ 19, Applicant is without knowledge or information sufficient to form a belief as the opposer has not specifically dictated which rights it believes applicant is not entitled.
20. Applicant denies with regards to ¶19, that there is any likelihood of dilution, any more so than that the existing 1,368 trademark filings as of this date, which include the name Bella in their application/registration, three (3) of which are in the General Contracting Residential Construction industry.

Therefore, applicant respectfully requests the Board grant registration to Application #86382985.

Respectfully submitted this 24th day of August, 2015.

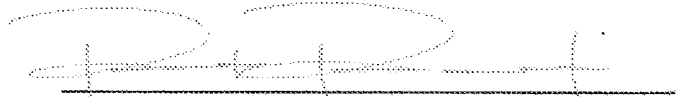


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CERTIFICATE OF FILING AND SERVICE

I certify that on August 24th, 2015, a true and correct copy of the foregoing ANSWER TO OPPOSITION was filed with the United States Patent and Trademark Office, Trademark Trial and Appeal Board, and was sent by FedEx courier to the correspondent of record for Opposer as follows:

Austin Padgett
Troutman Sanders LLP
600 Peachtree St. NE, Suite 5200
Atlanta, GA 30308

A handwritten signature in black ink, appearing to read "Peter Pandolfi", is written over a horizontal line.

Peter Pandolfi, dba Bella Basements